

RESOLUTION NO. 139

ESTABLISHING THE OFFICE OF CITY ADMINISTRATOR IN THE CITY OF CASTROVILLE, TEXAS, AND PROVIDING FOR THE POSITION'S AUTHORITY AND DUTIES.

WHEREAS, the final and ultimate responsibility for government of the City of Castroville, Texas and administration of its business is with the governing body of this City consisting of the Mayor and City Council in accordance with Texas Local Government Code § 22.071; and

WHEREAS, the Mayor of the City of Castroville, in accordance with Texas Local Government Code § 22.042 is the Chief Executive Officer of the City with authority to inspect the conduct of each subordinate municipal officer and to recommend to the governing body any measure that relates to improving the finances, police, health, security, cleanliness, comfort, or good government of the City; and

WHEREAS, the City Council is the legislative and policy making body and the City's power is concentrated in the elected Council with the authority to create the office of City Administrator and provide for the powers and duties of the office under Texas Local Government Code §§ 22.071, .072; and

WHEREAS, the City Council may hire a professional administrator to implement its policies and this appointee serves at the pleasure of the City Council and can be assigned the responsibility for preparing the budget, directing day-to-day operations and serving as the City Council's chief policy advisor; and

WHEREAS, the City Council is committed to fostering among the City's staff and operations an atmosphere which is professional, responsive, and responsible to residents, business owners, and visitors; and

WHEREAS, the office of City Administrator needs to be formally created by resolution and declared a municipal officer for purposes of Texas Local Government Code § 22.077; and

WHEREAS, The City Council wishes to clarify and affirm the powers and duties of the Office of the City Administrator.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASTROVILLE, TEXAS:

SECTION 1. Creation of Office. The Office of City Administrator is hereby created effective upon passage of this ordinance.

SECTION 2. Appointment of City Administrator. The City Administrator shall be appointed by majority vote of the City Council for an indefinite term or by some other term defined in writing between the City Administrator and the City Council. The City Administrator shall be chosen by the City Council solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office hereinafter set forth. No City Council Member or Mayor shall be appointed City Administrator within one year after the expiration of the City Council Member's or Mayor's term of office.

SECTION 3. Removal of the City Administrator. The City Administrator shall serve at the will of the City Council and as a municipal officer may be removed or suspended in accordance with Texas Local Government Code § 22.077. During the interim, the City Council may suspend the City Administrator from duty, but may continue the City Administrator's salary.

SECTION 4. Power and Duties of the City Administrator. The City Administrator shall be the Chief Administrative Officer of the City, may head one or more departments, and shall be responsible to the City Council for the proper administration of all affairs of the City. To that end, the City Administrator shall have the power and shall be required to:

- A. Appoint and, when necessary for the good of the service, suspend or remove all employees of the City. Such hearings, suspensions, and removal are subject to review and approval by the City Council in the exercise of their responsibility and authority. Regardless of the appointing or dismissal method, all acts of or recommendations for appointment or removal shall be based solely on the merit, qualifications, or disqualifications of the official concerned. All municipal officers, except for the Mayor and City Council Members, shall report to the City Administrator. The City Administrator shall maintain the City's Personnel Policy and interpret the policies for the employees.
- B. Prepare or revise, as necessary, the position descriptions of all municipal officers and employees of the City for consideration, approval, and adoption by the City Council.
- C. Serve as the budget officer and prepare the budget annually and submit it to the City Council together with a message describing the important features and be responsible for its administration after adoption.
- D. Serve as the financial manager and treasurer, managing the City's funds and investments, and prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City Council for the preceding year. The City Administrator shall work with the auditor to resolve annual audit questions.
- E. Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may be deemed desirable.

- F. Recommend to the governing body a standard schedule of pay for each municipal officer and position in the City's service, including minimum, intermediate, and maximum rates.
- G. Recommend to the governing body (from time to time), adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services.
- H. Consolidate or combine offices, positions, departments, or units under the City Administrator's jurisdiction. The City Administrator may be the head of one or more departments, as necessary.
- I. See that all terms and conditions of contracts, franchises and agreements imposed in favor of the city and/or populace are faithfully kept and performed.
- J. Foster cooperation and a spirit of good will in the City staff by example and instruction.
- K. In the event of an emergency and lacking availability of the Mayor or Mayor Pro-Tem, the City Administrator is authorized to make such contracts and purchases as may be required to protect the community or such other actions considered prudent for the welfare of the community. The City Administrator shall, as soon as possible after the emergency, file with the Mayor documentation showing the nature of the emergency and the necessity for prompt action that will be accompanied by an itemized account of all expenditures made.
- L. The City Administrator department heads with financial data for the prior fiscal year including the projection for year end cost of services of outside agencies and appointed officials, and factors that will be used in their computation of requirements in a standardized format that will be the model for the department's submission.
- M. Respond to public inquiries and requests.
- N. Perform or supervise research assignments and special projects required and those directed by the Mayor and City Council.
- O. Attend all meetings of the City Council unless excused therefrom and take part in the discussion of all matters coming before the City Council. The City Administrator shall be entitled to notice of all regular and special meetings of the City Council. The City Administrator or designee shall attend as staff support to the Planning and Zoning Commission and Board of Adjustment with the right to participate in deliberations, but without the right to vote.
- P. Serve as purchasing agent and supervise the purchase of all materials, supplies, and equipment for which funds are provided in the budget; let contracts necessary for operation or maintenance of the City's services for amounts approved by the City Council.
- Q. See that all laws, ordinances, and resolutions are duly enforced.
- R. Investigate the affairs of the City or any department or division thereof. Investigate all complaints in relation to matters concerning the administration of the government of the City, and in regard to service

- maintained by the public utilities in the City, and see that all franchises, permits, and privileges granted by the City are faithfully observed.
- S. Devote entire time to the discharge of all official duties. Exceptions may be granted with the written consent of the City Council.
 - T. Perform such other duties as may be required by the City Council, not inconsistent with Federal or State law or City ordinances or resolutions.

SECTION 5. Establishment of Chain of Command. Except for the purpose of a Council approved inquiry or non-directive communications; City Council shall deal with city staff solely through the City Administrator, either publicly or privately. However, all recommendations for appointment or removal of a municipal officer or employee must be approved by the City Council. Nothing in this section interferes with the authority of the Mayor to appoint municipal officers if a vacancy exists, pending approval by the City Council pursuant to Texas Local Government Code § 22.010. Nor does this section interfere with the role of the Mayor and/or City Council to determine the selection process of municipal officers.

SECTION 6. Bond. The City Administrator shall furnish a surety bond to be approved by the City Council, said bond to be conditioned on the faithful performance of all the City Administrator's duties. The premium of the bond shall be paid by the City.

SECTION 7. Compensation. The City Administrator shall receive such compensation as the City Council shall fix from time-to-time by ordinance or resolution.

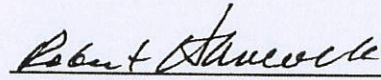
SECTION 8. Past Ordinances. Parts of previous resolutions or entire resolutions which are in conflict with this resolution are hereby declared repealed. Resolutions which delegate any duty of the City Administrator listed herein to any other City employee or person or entity with whom the City has contracted shall not be considered to be in conflict with this resolution; and any duty so delegated shall be deemed to be delegated to both the City Administrator and the other employee, person, or entity.

SECTION 9. Definitions. With regard to this and other City Resolutions, the terms "City Council Member," "City Councilman," "City Councilwoman" shall have the same meaning and intent as "Alderman" as described in Texas Local Government Code. Additionally, the term "City Council" shall have the same meaning and intent as "Board of Aldermen."

SECTION 10. Saving Clause. If any section, sub-section, or sentence, clause, or phrase of this resolution is for any reason held invalid, such decision or decisions shall not affect the validity of the remaining portions of this resolution. All resolutions of the City prescribing the duties of heads of departments shall

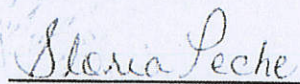
remain in full force and effect, except in so far as they conflict with the provisions of this resolution, in which case the provisions of this resolution shall govern.

PASSED AND APPROVED this 11 day of April, 2005.



ROBERT HANCOCK, Mayor

ATTEST:



GLORIA PECHE, City Secretary

APPROVED AS TO FORM:

SUSAN C. ROCHA, City Attorney